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PAF/2172



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ophir FRIEDER  
David Adam GROSSMAN

Serial No.: 09/837,436

Group No.: 2172  
Examiner: M. Hamilton

Filing Date: 18 April 2001

Title: INTRANET MEDIATOR

## APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

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## MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Technology Center 2100

Dear Sir:

Applicants herewith file their Appeal Brief in the above-identified case, pursuant to their Notice of Appeal filed 31 March 2004:

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on

28 May 200428 May 04

Date

Roland W. Morris

Signature

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Serial No.: 09/837,436

**1) REAL PARTY IN INTEREST**

The real party in interest is Illinois Institute of Technology, the assignee of the present application (as recorded at reel 011736, frame 0211).

**2) RELATED APPEALS AND INTERFERENCES**

Applicant is not aware of related appeals or interferences with regard to the present application.

**3) STATUS OF CLAIMS**

The application was originally filed with Claims 1-28. Claims 2-4, 6 and 9 were canceled and Claims 29-36 were added by Applicants' Amendment A of 17 October 2003. Claims 5, 19, 26 and 33 were amended, and Claim 29 cancelled by, an Amendment After Final Rejection and Request for Withdrawal of Finality filed 02 March 2004. Claims 1, 31-34 and 36 were sought to be canceled and Claim 33 moved into Claim 30 by Applicants' Amendment After Final Rejection filed 31 March 2004. The Claims considered by Applicants to be under consideration are 5, 7, 8, 10-28, 30 and 35 as presented in the Amendment After Final Rejection submitted 31 March 2004. Claims 5, 19, 27 and 30 are independent. All Claims under consideration are appealed.

**4) STATUS OF AMENDMENTS**

An Amendment After Final Rejection and Request for Withdrawal of Finality was filed 02 March 2004. Applicant was notified by the Advisory Action of 26 March 2004 that the Amendment After Final Rejection and Request for Withdrawal of Finality was entered. A subsequent Amendment After Final Rejection was filed concurrently with the Notice of Appeal on 31 March 2004 seeking to cancel Claims 1, 31-34 and 36 and amend

Claim 30 to simplify the issues on appeal. Applicants have not heard from the Office regarding the subsequent Amendment After Final Rejection although a PAIRS entry dated 05 April 2004 lists an “Amendment/Argument After Notice of Appeal” as forwarded to the Examiner on 13 April 2004. Applicants have listed the claims under consideration herein as if this subsequent Amendment After Final Rejection was entered.

## 5) SUMMARY OF INVENTION

Embodiments of the presently claimed invention can provide a method of achieving: ...a system whereby the user can take advantage of both information retrieval and structured data types of digital data gathering concurrently to provide a direct answer to a specific question, and preferably provide further context for that answer. It is also desirable that the query be accepted in a natural language format whereby the user needs no special skills in query formulation. It is further desirable that the query be intelligently parsed so as to weight the relevant parts of the query and that synonyms of the natural language query be provided to give a more thorough search and accurate answer. It is further desirable that the answers, and any related information, be limited in number to only that required or most relevant to the query.

(See specification at page 4, lines 12-21. (underlining added for emphasis))

The invention as claimed in each of independent Claims 5, 19, 27, and 30 is summarized concisely in the Abstract of the invention as:

An intranet mediator for obtaining direct answers to natural language questions allowing users to search both a data warehouse of integrated/structured data sources and unstructured data sources. The intranet mediator allows the user to obtain an answer to a natural language question without having to surf the data sources in which the answer might be contained, or without being limited to one specific factual item return. The intranet mediator operates on the supposition that most answers to business queries are contained within structured data sources which have been integrated into the data warehouse thereby having common schema and known contents. Preselection of the most relevant data source(s) is thus possible before query output. Search of unstructured data is also performed for additional context surrounding either the question or the answer. A direct answer is given in response to

the question. If desired, the intranet mediator may also display a list of data sources where additional relevant information may be found.  
(See specification at page 23. (underlining added for emphasis))

Without limitation to the Claims or characterization of the invention as a whole, each Claim for the invention, e.g., as claimed in each of independent Claims 5, 19, 27, and 30<sup>1</sup> requires:

- 1) the provision of, or capability for, finding a direct answer to a query (See limitations 5h), 19h) and 27l) and last clause of 30);
- 2) using a physical<sup>2</sup> data warehouse to search for the direct answer (See limitations 5e), 19f), 27j) and second clause of 30); and
- 3) the further provision of, or capability for, using an unstructured data source to augment the search for a direct answer (See Claims 5f), 19g) and 27k) and third clause of 30).

Various limitations with respect to specific types of further operations or operational modules are claimed in the dependent claims.

As noted in Applicants' Amendment A Remarks (at page 14):  
“Direct answer” as discussed in the present invention at pages 5-6 of the specification, is defined at page 5, line 9 as:

“Direct answer” and “most likely answer” are used interchangeably herein and refer to the best available answer, whether factually based, referencing additional data, or refusal to answer, based upon the results of the data retrieved by the searches of the intranet mediator.

As discussed at page 2, line 18 of the specification:

“Information retrieval is thus not geared to efficiently provide a specific answer to a specific question. For example, when a user wants to know “What are the three best

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1 Claimed as a method of digital data gathering (Claims 5 and 30) or an intranet mediator (Claims 19 and 27).

2 Physical as in “not virtual.”

Sushi restaurants in Chicago?” the user does not necessarily care to browse through text summaries, or restaurant guide web sites, which are the likely search results of a known information retrieval search. The user would most often prefer just a list of three Sushi restaurants in Chicago in response to this natural language question.”<sup>3</sup>

As discussed with the Examiner during a telephonic interview (see Amendment A Remarks at page 15), an appropriate analogy is for a person to ask: “How far away is the McDonald’s on this street?” A direct answer (as provided by the present invention) would be to tell the person: “Two blocks west.” An information retrieval type response (or indirect answer) would be to show the person a map of McDonald’s locations or hand the person a guide book, or worse, tell the person where a library is where he can find the map or the guide book [i.e., giving the person a list of websites].

## 6) ISSUES

- 1) Has the rejection under 35 USC §112 of Claim 19 been overcome?
- 2) Should the Examiner have withdrawn the finality of the Office Action of 31 December 2003?
- 3) Is the Examiner correct in rejecting Claims 5, 7-8, 10-13, 19-22 and 27-28 (especially independent Claims 5, 19, and 27) under 35 USC §103(a) over Redfern, US Patent 6,078,314 (sic, actually ‘914) (hereinafter “Redfern”) in view of Hobbs, US Patent 6,523,022 (hereinafter “Hobbs”) and further in view of Paik et al., US Patent 6,076,088 (hereinafter “Paik”)?

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<sup>3</sup> Applicants wish to make clear that the present invention is not trying to claim a system such as “ASK JEEVES” which is an Information Retrieval based system which apparently neither utilizes a physical data warehouse nor delivers a direct answer. Applicants have attached as Appendix A two pages of search results from a 21 May 2004 *AskJeeves.com* search for the exemplary direct question: “What are the three best sushi restaurants in Chicago?” As can be seen, a list of web pages or sites, and not a direct answer, is the result of such a search.

4) Is the Examiner correct in rejecting Claims 30 under 35 USC §103(a) over Syeda, US Patent 5,920,856 (hereinafter “Syeda-Mahmood”) in view of Hobbs, US Patent 5,987,454 (hereinafter “Hobbs2”)?

7) GROUPING OF CLAIMS

The claims may stand together as one group.

8) ARGUMENT

ISSUE 1) Has the rejection under 35 USC §112 of Claim 18 been overcome?

Applicants in their Amendment After Final Rejection and Request for Withdrawal of Finality, amended Claim 19 to overcome an outstanding §112 rejection. No mention of the status of the §112 rejection was made in the Advisory Action of 26 March 2004. Applicants believe that the amended Claim 19 has obviated the §112 rejection. A notice to that effect is earnestly solicited.

ISSUE 2) Should the Examiner have withdrawn the finality of the Office Action of 31 December 2003?

Applicants submitted definitional material for the critical term “data warehouse” with their Amendment A. The Examiner’s responsive final Action of 31 December refused to consider this material under the mistaken assumption that the definitional material was a non-conforming Information Disclosure Statement. Applicants, in their Amendment After Final Rejection and Request for Withdrawal of Finality pointed out that it was incorrect for the Examiner to refuse to consider this definitional material and that MPEP §609 specifically allowed for such submissions. As definitions of claim terms apparently misapprehended by the Examiner were not settled at the time of the final action,

the finality of the Office Action of 31 December 2003 should have been withdrawn. However, as discussed below, the Examiner (in the Advisory Action of 26 March 2004) now apparently accepts the correct meaning of the term “data warehouse” and maintains that the rejections of the final action are proper. Therefore, this appeal should proceed before the Board.

ISSUE 3) Is the Examiner correct in rejecting Claims 5, 7-8, 10-13, 19-22 and 27-28 (especially independent Claims 5, 19, and 27) under 35 USC §103(a) over Redfern, US Patent 6,078,314 (sic, actually ‘914) (hereinafter “Redfern”) in view of Hobbs, US Patent 6,523,022 (hereinafter “Hobbs”) and further in view of Paik et al., US Patent 6,076,088 (hereinafter “Paik”)?

Applicants reference the above discussion in the Summary of the Invention section regarding the accepted meaning of “data warehouse.” The Examiner now appears to accept that the definition of “data warehouse” as supplied by the Applicants is the correct definition according to the understanding of a person having ordinary skill in the art at the time of filing the application.

The Examiner states:

Examiner believes that Hobbs definition for Data Warehouse is consistent with the (Extract-Transform-Load) definition coined by W. H. Inmon. Therefore, examiner maintains that the claimed invention is unpatentable.

(Advisory Action of 26 March 2004 (paper no. 10), penultimate line of the continuation sheet.)

In the rejection of Claim 5, the final Detailed Action of 31 December 2003 (per its paragraph 5, at page 4) admits that Redfern does not teach the Claim limitation of 5d), i.e., identifying a data source in a physical data warehouse likely to contain an answer to the

query. The Detailed Action also incorrectly says Redfern teaches limitation 5e) which includes “performing a first search of the query in the physical data warehouse.” Applicants believe the Examiner’s assertions as to Redfern’s teachings are in error with respect to limitation 5e) in that Redfern refers to unstructured data sources (web sites) at the quoted passage of col. 9, lines 15-25-10 (sic).

The final Detailed Action then says that Redfern differentiates an enquiry of legal matters and sends it to a LEXIS data base and, by combining Redfern and Hobbs, because Hobbs teaches that LEXIS is a data warehouse, a person having ordinary skill in the art would modify Redfern to identify a data source in a physical data warehouse likely to contain an answer to a query. Thus, the rejection hinges on whether one of Redfern or especially Hobbs teaches a physical data warehouse, and operations thereon, consistent with the present invention.

But, as pointed out in Applicants’ remarks of Amendment A (page 15), Redfern is an Information Retrieval system for the searching of unstructured data and not a physical data warehouse system of extracted, transformed and loaded data.<sup>4</sup>

Applicants respectfully note that Redfern is drawn to an information retrieval system, such as discussed and differentiated in Applicants’ specification at page 2-3. Redfern is thus unlike the presently claimed inventions of independent Claims 5, 19 and 27 in that it (at least) does not teach the limitations of using a physical data warehouse and providing a direct answer. Redfern discloses a method to meta-search multiple unstructured data repositories and respond to a query (in the information retrieval sense). Redfern discusses that an answer is a selected portion of the retrieved source and gives an example of such a response in its Appendix K. All examples for search engines in Redfern are those common in information retrieval systems, e.g., Lycos, Alta Vista, and Lexis. It will be noted that Redfern specifically uses the information retrieval terms “search engine”, “information retrieval”, and “ranking of relevancy” with examples taken from information retrieval similarity

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<sup>4</sup> An acceptable definition/synopsis of “transformed” data in a data warehouse setting may be found in US Patent No. 6,671,689, (filing date: 19 January 2001) entitled DATA WAREHOUSE PORTAL, to Papierniak; at col. 6, line 38: “The invention is related to the use of a computer system 100, such as the illustrated system, to dynamically translate data from one data model to another data model, and dynamically present the transformed data to applications written against the later data model.” (emphasis added) Note also that Papierniak’s filing date is contemporaneous (only three months prior) to the Applicants’ filing.

measures. The present invention operates on a physical data warehouse; can search multiple types of data sources, both structured and unstructured; and provides direct answers rather than a “response” to natural language queries. It is thus respectfully submitted that Redfern cannot, and does not, anticipate the present invention to the person having ordinary skill in the art.

Applicants further note that Redfern treats its natural language query as though the data are unstructured. For example, at col. 15, line 43, in the natural language query “Where do Monarch butterflies spend the winter?” the critical attribute of “where” is removed before searching, thus indicating an unstructured data search. The so-called “throw away words” removed from Redfern’s queries (discussed at col. 4, line 59) include all of the who, what, when, where, why, and how (“W-H”) words, as seen in TABLE 2 appendix A (col. 17). The “W-H” words indicate key data attributes which would not be removed from a structured data search to derive a direct answer. Logically, a direct answer cannot be given when the structure of the question is unknown.

There is a further error in the proffered reasoning behind the combination of Redfern and Hobbs, namely that Hobbs is wrong. LEXIS is not a data warehouse. Even assuming, without admission, that Hobbs might accurately characterize the components of a data warehouse in the abstract,<sup>5</sup> Hobbs erroneously (or antiquatedly)<sup>6</sup> applies the label of data warehouse to LEXIS and a host of other Information Retrieval databases that treat data as unstructured. Applicants respectfully submit that the person having ordinary skill in the art would recognize that the data of the cited commercial databases are not transformed to, or

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<sup>5</sup> As per the Examiner’s statement in the Advisory Action that “Hobbs definition for Data Warehouse is consistent with the definition coined by W. H. Inmon”. However it is noted that the cited text of Hobbs at col. 9, line 30 actually says: “data are extracted..., then formatted, aggregated, and integrated into a read only data-base that is optimized for decision making.” No reference is made to transforming the data to a common schema. It is further unclear how the commercial databases are “optimized for decision making.”

<sup>6</sup> In the rapidly evolving technology of information processing, terms may often change meaning in the course of a few years. It is noted that Hobbs parent specification was filed in 1997. Data warehouse technology as commonly understood today was developing and changing between the 1997 filing date of Hobbs and the 1999 time frame of the Hellerstein article (appended to Amendment A) when the presently accepted definition became commonly accepted.

treated as, structured data and that metadata are merely appended to the loaded texts and the documents are word searched in the manner of an Information Retrieval system to return a list of documents rather than a direct answer.<sup>7</sup> This error would immediately lead a person having ordinary skill in the art to the determination that Hobbs is either wrong or antiquated in his discussion of data warehouses. It would not lead to a conclusion that Hobbs and Redfern can be combined to suggest the presently claimed inventions with their physical data warehouse and direct answer limitations. The reasoning of the Detailed Action in combining Redfern and Hobbs in the present context is analogous to an illogical statement such as: "If you give me a manual for training llamas and a (flawed) dictionary that says 'llamas are elephants,' I suddenly have a manual on how to train elephants."

Applicants, who are published authors of a textbook in the field of Information Retrieval, as set forth in Dr. Frieder's affidavit accompanying Amendment After Final Rejection and Request for Withdrawal of Finality (02 March 2004), noted that:

5. LEXIS, and other multiple databases are not data warehouses within the accepted meaning of that term as defined in the specification of Patent Application No. 09/837,436 and as understood in the current art. LEXIS and the other commercial information databases cited by Hobbs reference 6,523,022 are generally aggregations of text data searched by information retrieval techniques that treat data as unstructured with no sense of structure such as attributes in the structured context, as in a data warehouse.

and

4. Hobbs references 5,987,454, at column 2, lines 25-35 states the nonsequitor: "One limitation of existing information retrieval systems, especially among the commercial Data Warehouses..."

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<sup>7</sup> By way of information Applicants have attached as Appendix B the two pages of search synopsis and the initial 4 pages of search results from a 26 May 2004 LEXIS search asking the natural language question "How many cases did the Federal Circuit Court of Appeals decide in 2002?" It will be noted that a list of documents containing a hodgepodge of the search terms, rather than a direct answer, is given in response.

This statement is a nonsequitor because an “information retrieval system” as known in the art, and a “data warehouse” as known in the art, are two separate concepts. A data warehouse is a repository of multifaceted data where the data are commonly accessed as if of a structured data source. An information retrieval system commonly contains an aggregation of texts which are searched using information retrieval search techniques that treat data as if in an unstructured data source as known in the state of the art, e.g., search technology as illustrated in the book by the inventors of the present invention: D. Grossman and O. Frieder, *Information Retrieval: Algorithms and Heuristics*, Kluwer Academic Publishers, ISBN 0-7923-8271-4, 1998. Thus, how a data repository is searched is as important to its classification as the data themselves. The Hobbs patent references teach the use of information retrieval search techniques that treat text data as unstructured data sources. [emphasis added]

Dr. Frieder’s statements in this regard are then bolstered by reasoned argument within Applicant’s responses to the Office:

As noted by Applicants at page 12 of their Amendment After Final Rejection and Request for Withdrawal of Finality (02 March 2004):

By way of general discussion, it is noted that to have a properly functioning data retrieval system, it is basic that one must have a properly structured query for the particular database one wants to retrieve data from. Query structure and database structure are not independent from each other. Further, database structures and query structures in themselves are not interchangeable entities which can be substituted at will in the manner of a nail and a screw for fastening two pieces of wood. It will be appreciated that in the case of the present invention, the person having ordinary skill in the art would recognize the need for a specific structure of natural language query to derive data with the proper attributes to obtain the direct answer from the data structures of the data warehouse or unstructured databases.

Applicants then further state at page 13 of their Amendment After Final Rejection and Request for Withdrawal of Finality:

It is generally noted that while Hobbs makes passing reference to the use of structured data, Hobbs details no actual use of structured queries acting upon a physical data warehouse repository of cleaned up, extracted, transformed, and loaded subsets of data. Paik, while detailing a Natural Language Query structure, teaches no use of structured queries upon a physical data warehouse within its teachings either. Thus, neither of the references suggests the need for combining a natural language query structure with the searching of structured and unstructured databases to practice the combination of techniques as set forth ...

Therefore, Applicants respectfully submit that the combination of Redfern and Hobbs will not suggest a data warehouse search engine for deriving a direct answer as required by the present invention, let alone one that selects the appropriate part of the data warehouse.

The Detailed Action then further admits that Redfern and Hobbs do not disclose displaying a direct answer to the natural language question.<sup>8</sup> The Detailed Action then adds Paik which “discloses displaying a direct answer to a natural language question” because this “would allow the system to answer W-H [who, what, how, etc.] questions about the stored data.”

However, Applicants previously pointed to the flawed premise in this combination in that Paik and Redfern are not combinable because Redfern teaches throwing out words from a query that Paik considers necessary.<sup>9</sup>

Per Applicants’ remarks of their Amendment After Final Rejection and Request for Withdrawal of Finality, at the first paragraph, page 16:

However, Redfern teaches the discarding of the relevant concepts of a query (W-H words) which should be included according to Paik (see, e.g., Paik at col. 4, line 6) to derive a direct answer. Therefore, the teachings of Redfern are further inconsistent with the natural language query teachings of Paik and the references are not properly combinable to suggest the present invention.

Further, Paik also appears to operate with only an Information Retrieval database, a so called CHESS (chronological information extraction system). Paik defines “query” at its col. 5, line 60 as “text that is input for the purpose of selecting a subset of documents from a document database.”<sup>10</sup> Paik does not contain the terms “data warehouse” “structured data” or “unstructured data,” whereas it does specifically say: “The present

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<sup>8</sup> Neither reference deals with structured data, which is a limitation for deriving a direct answer according to the present invention.

<sup>9</sup> See also Applicants’ discussion of Redfern’s natural language queries *supra*.

<sup>10</sup> Again, it is noted that the present invention requires the return of direct answers and not lists of documents.

invention relates generally to the field of computer-based information retrieval...” Thus, Paik also does not relate to the field of data warehouses.

Claims 19 and 27 are rejected under the same logic as Claim 5, at pages 7 and 10, respectively, of the final Detailed Action. With respect to Claim 19, Applicants believe the Examiner’s assertions as to Redfern’s teachings are in error with respect to item d) in that Redfern refers to unstructured data sources (web sites) at the quoted passage of col. 16, lines 5-15. The Examiner then asserts that Hobbs supplies the necessary teaching of incorporating a search capability for a physical data warehouse such as per limitation 19f), and Paik supplies the necessary teaching of incorporating a direct answer capability such as the claimed results manager of limitation 19h). With respect to Claim 27, Applicants believe the Examiner’s assertions as to Redfern’s teachings are in error with respect to item i) in that Redfern refers to unstructured data sources (web sites) at the quoted passage of col. 9, lines 10-30. The Examiner then asserts that Hobbs supplies the necessary teaching of incorporating a search capability for a physical data warehouse such as per limitations 19a), c) and h), and Paik supplies the necessary teaching of incorporating a direct answer capability such as the claimed results manager of limitation l). Applicants herewith incorporate their above discussion concerning the inapplicability of the teachings of Hobbs and Paik with respect to both the claimed components of the present invention and the invention as a whole. It is clear that the Examiner has impermissibly used the limitations of the claims as a template in an attempt to reconstruct the present invention from the known art while ignoring or misapprehending the invention as a whole. As such, any *prima facie* case which the Examiner has made has been successfully rebutted by the Applicants.

Applicants have shown by competent rebuttal evidence and reasoned and detailed explanation why it is incorrect for the Examiner to deem LEXIS a data warehouse in order to reach a conclusion of obviousness. Applicants have likewise shown that Information Retrieval systems and data warehouse systems are not the same thing to a person having ordinary skill in the art and cannot be interchangeably substituted for one another.

Applicants, by explaining the ordinary meaning of “direct answer” and the present meaning in the art of “data warehouse” have shown why none of the cited references, singly or in combination, teach or suggest the presently claimed invention with its limitations of physical data warehouse searching, unstructured data source searching, and a direct answer. It is therefore respectfully requested that the Board find the Independent Claims 5, 19, and 27 allowable.

ISSUE 4) Is the Examiner correct in rejecting Claims 30 under 35 USC §103(a) over Syeda-Mahmood, US Patent 5,920,856 (hereinafter “Syeda-Mahmood”) in view of Hobbs, US Patent 5,987,454 (hereinafter “Hobbs2”)?<sup>11</sup>

As previously discussed in Applicants’ Remarks of Amendment After Final Rejection and Request for Withdrawal of Finality at pages 18 bridging 19:

Per paragraph 10 of the Detailed Action [at page 18] Claim 30 stands rejected as obvious over Syeda-Mahmood in view of Hobbs 5,987,454 (hereinafter “Hobbs2”). Claim 30 specifically recites the conducting of a search of at least one data source within a physical data warehouse, and the sorting of the results of the at least one data source search and providing a direct answer to the query. Syeda-Mahmood appears to disclose a meta-server for multiple websites, an accumulation of which would not be considered a data warehouse as it is known in the art (see discussion above). Syeda-Mahmood does not discuss an intranet mediator for a physical data warehouse or the provision of a direct answer as defined in the present invention. The Detailed Action notes that Hobbs2 defines a database that contains more information about one or more databases as a data warehouse. This is an inaccurate definition of a standard term of art as understood at the time of filing the present application. As discussed above, the inaccurate (or antiquated) definition by another cannot render the present invention obvious when the true meaning of a physical data warehouse is acknowledged. Applicants have provided contemporaneous and accurate definitions for the terms of art within the claims.

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<sup>11</sup> Hobbs2 is the parent application of the Continuation In Part Hobbs, 6,523,022.

Applicants herewith incorporate their above discussion concerning the antiquated or incorrect nomenclature of Hobbs (see footnote 6) with respect to data warehouses. The arguments and observations above apply equally with respect to the misplaced reliance on Hobbs2 to suggest the present invention in combination with the teachings of Syeda-Mahmood. As with Hobbs, there is no teaching within Hobbs2 that would lead a person having ordinary skill in the art to the conclusion that Hobbs2 may be combined with the teachings of Syeda-Mahmood to suggest the present invention.

As neither Syeda-Mahmood nor Hobbs2 teach or suggest a system for using a physical data warehouse to derive a direct answer it is respectfully requested that the Board also rule that the present Claim 30 is allowable.

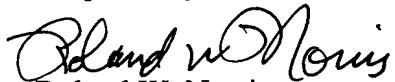
9) APPENDIX OF CLAIMS

An appendix containing a copy of the claims involved in the appeal is attached hereto.

For all the foregoing reasons it is respectfully requested that the Board rule in Applicants' favor and overturn all outstanding rejections.

Favorable consideration is requested.

Respectfully submitted,

  
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**9) APPENDIX OF CLAIMS**

5. A method of digital data gathering for providing a direct answer to a natural language question, comprising:

- a) accepting input of a natural language question;
- b) identifying the relevant concepts of the natural language question;
- c) assembling the relevant concepts of the natural language question into a query;
- d) identifying a data source in a physical data warehouse likely to contain an answer to the query;
- e) performing a first search of the query in the physical data warehouse;
- f) performing a second search of the query in an unstructured data source not contained in the physical data warehouse;
- g) integrating the results of the first and second searches and selecting a direct answer to the natural language question; and
- h) displaying the direct answer to the natural language question.

7. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: eliminating redundant search results and ranking search results in order of relevance.

8. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: routing the query and identified data source to a structured data source manager.

10. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: identifying the data source in the physical data warehouse via a meta-data source for the physical data warehouse.

11. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: eliminating irrelevant words of the natural language question from use in the query.

12. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: routing the query to an unstructured data source manager for performing the second search.

13. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: displaying data related to the direct answer.

14. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: accumulating search results for a specified time before displaying the direct answer.

15. The method of digital data gathering for providing an answer to a natural language question, according to Claim 5, further comprising: accumulating additional search results after displaying the direct answer.

16. The method of digital data gathering for providing an answer to a natural language question, according to Claim 15, further comprising: updating the ranking of the search results by incorporating the additional search results.

17. The method of digital data gathering for providing an answer to a natural language question, according to Claim 16, further comprising: providing a second display updating the ranking of the search results by incorporating the additional search results.

18. The method of digital data gathering for providing an answer to a natural language question, according to Claim 17, wherein: the second display updating the ranking of the search results is manually actuated.

19. An intranet mediator for providing a direct answer to a natural language question, comprising:

- a) a user interface with:
  - i) a natural language question input module for accepting natural language questions; and
  - ii) an answer module for display of the direct answer;
- b) a parser module for identifying the relevant concepts of the natural language question, assembling the relevant concepts of the natural language question into a query and eliminating irrelevant words of the natural language question from use in the query;
- c) an unstructured data source manager for managing query input to, and accepting results from, unstructured data sources outside of a physical data warehouse;
- d) a data source selection module for accepting the query from the parser and for identifying a data source likely to contain an answer to the query; the data source selection module being connectable to a meta-data source for a physical data warehouse,
- e) a dispatcher module for accepting the query from the parser and for accepting the identified data source from the data source selection module and routing the

query and identified data source to a physical data warehouse data source manager or the unstructured data source manager, or both;

f) the physical data warehouse data source manager being for accepting the query from the dispatcher and performing a search of the query in the physical data warehouse and forwarding the results of the search to a results manager module;

g) the unstructured data source manager further accepting the query and any identified unstructured data sources from the dispatcher and performing a search of the query in the identified unstructured data sources outside of the physical data warehouse and forwarding the results of the search to a results manager; and

h) a results manager module for accepting the results of the structured and unstructured data source searches and integrating the results of the searches and selecting the direct answer and forwarding the direct answer to the answer module.

20. The intranet mediator according to Claim 19, further comprising: the natural language question input module being constructed and arranged for allowing the user to manually select data sources if desired.

21. The intranet mediator according to Claim 19, further comprising: the answer module being constructed and arranged for display of the direct answer and data associated therewith.

22. In the intranet mediator according to Claim 21, the results manager module further comprising: means for accumulating search results for a specified time or specified number of results before displaying the direct answer.

23. In the intranet mediator according to Claim 21, the results manager module further comprising: means for accumulating additional search results after displaying the direct answer.

24. In the intranet mediator according to Claim 23, the results manager module further comprising: means for updating the ranking of the search results by incorporating the additional search results.

25. In the intranet mediator according to Claim 24, the answer module further comprising: means for providing a second display updating the ranking of the search results by incorporating the additional search results.

26. In the intranet mediator according to Claim 25, further comprising: means for manually actuating the second display.

27. An intranet mediator for providing a direct answer to a natural language question, comprising:

- a) a physical data warehouse containing structured data sources;
- b) unstructured data sources outside of the physical data warehouse;
- c) a meta-data repository having meta-data for the structured data sources;
- d) a natural language question input module for accepting natural language queries and allowing the user to manually select data sources if desired;
- e) a parser module for identifying the relevant concepts of the natural language question, assembling the relevant concepts of the natural language question into primary query tokens and eliminating irrelevant words of the natural language question from use as primary query tokens, and for accepting results from a query expander module;

f) a query expander module for accepting the primary query, determining analogous terms to the primary query tokens, and forwarding the primary query tokens and the analogous terms to an unstructured data source manager, and assembling enhanced query tokens from the results;

g) an unstructured data source manager for managing enhanced query token input to, and accepting search results from, the unstructured data sources outside of the physical data warehouse;

h) a data source selection module for accepting the enhanced query from the parser module and connectable to the meta-data source for the physical data warehouse, and for identifying a data source likely to contain an answer to each of the enhanced query tokens;

i) a dispatcher module for accepting the enhanced query tokens from the parser and for accepting the identified data sources from the data source selection module and routing the enhanced query tokens and identified data sources to a structured data source manager and an unstructured data source manager;

j) a structured source manager for accepting the enhanced query tokens and the identified structured data sources from the dispatcher and performing a search of the enhanced query tokens in the identified structured sources and forwarding the results of the search to a results manager module;

k) the unstructured source manager further accepting the enhanced query tokens and identified unstructured data sources from the dispatcher and performing a search of the enhanced query tokens in the identified unstructured data sources and forwarding the results of the search to a results manager;

l) a results manager module for accepting the results of the structured and unstructured data source searches for each enhanced query token and integrating the results of the searches and selecting a direct answer to the natural language question and forwarding the direct answer to the answer module; and

m) an answer module for display of the direct answer and associated data links.

28. The intranet mediator according to Claim 27, further comprising: the meta-data repository having meta-data for unstructured data sources within the physical data warehouse.

30. A method for digital data gathering in response to a query, comprising: combining structured data sources into a physical data warehouse with a meta-data repository,

conducting a search of at least one data source within the physical data warehouse,  
conducting a search of an unstructured data source outside of the physical data warehouse and combining and sorting the results of the unstructured data source search with the results of the physical data warehouse search, and

sorting results of the at least one data source search and the unstructured data source search and providing a direct answer to the query.

35. The method according to Claim 30 wherein the selection of the direct answer is weighted to the search results from the data warehouse.

## APPENDIX A

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From: [www.pickarestaurant.com/Chicago/toppick/top\\_japanese.htm](http://www.pickarestaurant.com/Chicago/toppick/top_japanese.htm)

**Metromix.com: Review: Bob San, Maki Sushi and Sushi Doraku**

**Chicago ... chicago restaurants ... Maki Sushi**, one of the newest **sushi restaurants** around, run ... **Best** of the bunch is the ... Hours: 12-3 p.m. and...

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**Mailgate.ORG Web Server: rec.food.restaurants**

**3 Restaurant Owners Needed for Trial, Fiona ... Best sushi restaurants in Chicago?, niki. Re: Best sushi restaurants in Chicago?, Shanti...**

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From: [mailgate.supereva.it/rec/rec.food.restaurants/sort.html](http://mailgate.supereva.it/rec/rec.food.restaurants/sort.html)

**The Sushi World Guide: na -> USA/Illinois -> Chicago**

...of **sushi** (your choice) and **3** ... to be 'the **best** I'd ever had'. Despite the recent hatchings of several new **Sushi restaurants** in Chi...

From:www.sushi.to/rest/na\_usa\_ilinois\_chicago.htm

**Best of Citysearch 2002: Best Sushi in Chicago**

**Restaurants. Best BYOB Restaurant. Best Barbecue. Best Breakfast ... 3. Sushi Wabi ... 842 W Randolph St, Chicag , IL Chicag 's original hipster....**

From:chicago.citysearch.com/best/results/7790

**The city guide to entertainment, restaurants, events, hotels, movies**

I've tried MANY other **sushi restaurants** in **Chicago** and have yet to find a place that ... Showing 1 - 3 of 3 ... **Best of** ... 9.2. What is this?

From:austin.citysearch.com/review/3735033

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...the new **sushi restaurants** in **Chicago**. Try it--you'll never go back to anywhere else. Pros: good, better, **best** ... Showing 1 - 3 of 3 ... **Best of**....

From:newyork.citysearch.com/review/3553892

**Arigato Japanese Restaurants of Evanston near Chicago sushi,**

**Arigato Japanese Restaurants** of Evanston near **Chicago sushi**, tempora, teriyaki, etc. ... intimate setting just 3 ... consulted on how to **best** achieve...

From:www.evanstonillinois.net/arigato.html

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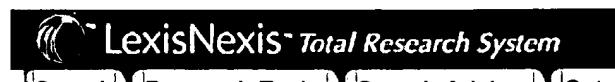
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**A** 1. [SmithKline Beecham Corp. v. Apotex Corp.](#), CIVIL ACTION NO. 99-CV-4304, NO. 00-CV-4888, NO. 01-CV-0159, NO. 01-CV-2169, CIVIL ACTION NO. 99-CV-2926, NO. 00-CV-5953, NO. 02-CV-1484, CIVIL ACTION NO. 00-CV-1393, NO. 00-CV-6464, NO. 01-CV-2602, CIVIL ACTION NO. 01-CV-1027, NO. 01-CV-3364, NO. 02-CV-8493, CIVIL ACTION NO. 01-CV-2981, CIVIL ACTION NO. 03-CV-3365, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 2004 U.S. Dist. LEXIS 5571, March 26, 2004, Decided

**OVERVIEW:** Where all of the product-by-process claims of three drug patents were declared invalid, the court declined to certify the decision for immediate appeal because the validity of the remaining claims remained for determination.

**CORE TERMS:** patent, infringement, paroxetine, product-by-process, certification, hydrochloride, infringed, claims asserted, final judgment, single claim ...

... 2001, September 30, **2002**, October 31, **2002**, and December 20, **2002**.

Plaintiffs ...

... On December 20, **2002**, we granted Defendants' motions ...

... [SmithKline Beecham Corp. v. Geneva Pharm., Inc.](#), C.A. No. 99-CV-2926, **2002** U.S. Dist. LEXIS 25275 (E.D. Pa. Dec. 20, **2002**). Specifically, we held that claims ...

... 35 U.S.C. § 102(b). **2002** U.S. Dist. LEXIS 25275, at \*21, \*26-27, \*37 ...

... claims of the '423 Patent. **2002** U.S. Dist. LEXIS 25275, at \*47 ...

... process by which it is made." **2002** U.S. Dist. LEXIS 25275, at \*10 ...

... In our December 20, **2002** Memorandum and Order, we held that the ...

... process limitations of those claims. **2002** U.S. Dist. LEXIS 25275, at \*16 ...

... two conflicting precedents from the **Court of Appeals for the Federal Circuit**. In Scripps Clinic & ...

... [Found. v. Grenentech](#), the **Federal Circuit** held that "since claims ...

... a different panel of the **Federal Circuit** decided [Atlantic Thermoplastics Co., Inc. v. Faytex Corp.](#), 970 F.2d 834 (Fed. Cir. 1992) ...

... earlier holding." [SmithKline](#), **2002** U.S. Dist. LEXIS 25275 at \*16 ...

... certification of our December 20, **2002**, Order pursuant to Fed. R. Civ. P. 54 (b) ...

... Rule 54(b) certification, and that **many** factors counsel against ...

... n5n5 The **Court of Appeals for the Federal Circuit** applies its own law to Rule 54(b) ...

... [State Contracting & Eng'g Corp. v. Florida](#), 258 F.3d 1329, 1334 (Fed. Cir. 2001) ("We have specifically held that **Federal Circuit** law applies to Rule 54 (b) ...

... [Enercon Indus. Corp. v. Pillar Corp.](#), 105 F.3d 1437, 1439 n. 2 (Fed. Cir. 1997)). To the extent **Federal Circuit** case law fails to provide guidance, the **Federal Circuit** looks to the law of all circuits ...

... no appellate court would have to **decide** the same issues more than ...

... In our December 20, **2002** Order, we granted summary ...

... Patents 8:06[4] (**2002**).) Therefore, Plaintiffs urge, we may ...

... asserted -- the cause of action"). **Federal Circuit** case law is clear that "[ ...

... Insofar as our December 20, **2002** Order determined the validity of ...

... non-precedential cases from the **Federal Circuit**. In [Donnelly Corp. v. Gentex Corp.](#), 1996 U.S. App. LEXIS 20868, ...

... a single patent. The **Federal Circuit** dismissed the appeal, noting that "the ...  
... issues remained undecided. The **Federal Circuit** dismissed the appeal, noting  
that ...

... contrast, our December 20, **2002** Order determined that all of Plaintiffs' ...  
... invalid. See SmithKline, **2002** U.S. Dist. LEXIS 25275, at \*22 ...  
... Patent. See SmithKline, **2002** U.S. Dist. LEXIS 25275, at \*19, 27 ...  
... risk in certifying that the **Federal Circuit** will "have to **decide** the same  
issues more than ...

 2. Centocor, Inc. v. Medimmune, Inc., No. C 02-03252 CRB , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA , 2002 U.S. Dist. LEXIS 21109, October 21, 2002, Decided, October 22, 2002, Filed; October 22, 2002, Entered in Civil Docket

**OVERVIEW:** The court declined to declare a patent valid in action brought by patent holders and an exclusive licensee where there was no immediate and real threat of infringement to justify declaratory relief at that time.

**CORE TERMS:** patent, infringe, actual controversy, sublicense, royalty, exercise jurisdiction, first-to-file, infringement, declaration, first-filed ...

... license.In April **2002**, MedImmune filed an action ...  
... a patent owner, the **Federal Circuit** has acknowledged that in rare ...  
... In Lang, the **Federal Circuit** ruled that a patentee ...  
... will be forthcoming. Id. Here, the **Federal Circuit's** two-prong test is ...  
... Spectronics Corp. v. H.B. Fuller Co., Inc., 940 F.2d 631, 634 (Fed. Cir. 1991).  
**Many** courts decline to exercise ...  
... not for this Court to **decide**. Rather, those issues properly ...  
... Chisum on Patents § 21.02[4][b] (**2002**) (emphasis added).In ...  
... Dated: October 21, **2002**CHARLES R. BREYER ...

 3. Lawman Armor Corp. v. Master Lock Co., CIVIL ACTION No. 02-6605 , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA , 2004 U.S. Dist. LEXIS 3705, March 11, 2004, Decided, March 11, 2004, Filed

**OVERVIEW:** Licensee's design patent infringement suit failed as a matter of law where the design patent claim when properly construed was not substantially similar to defendant's products under the ordinary observer test.

**CORE TERMS:** patent, lock, hook, shaft, novelty, observer, substantially similar, ornamental, visual, infringement ...

... INTRODUCTIONOn August 5, **2002**, the Plaintiff, Lawman Armor ...  
... patent in July of **2002**. Approximately one month ...  
... Catalina Lighting, Inc. v. Lamps Plus, Inc., 295 F.3d 1277, 1286-87 (Fed. Cir. **2002**)(citing Contessa Food Prods. Inc. v. Conagra, Inc., 282 F.3d 1370, 1377 (Fed. Cir. **2002**)). If either the ordinary observer or the ...  
... LawThe United States **Court of Appeals for the Federal Circuit** ("**Federal Circuit**") has emphasized that claim construction is ...  
... within the purview of the Court to **decide**. See Markman, 52 F.3d 967 at 983 at 983-84 ...  
... concept).In Durling, the **Federal Circuit** rejected the District Court's ...  
... District Court's description, the **Federal Circuit** set forth the following ...

... in favor of its own, the **Federal Circuit** stated that the District Court ...  
... Minka Lighting, Inc. v. Craftmade Int'l, Inc., 2001 U.S. Dist. LEXIS 14199, No. 00-0888, 2001 WL 1012685, at \*20 (N.D. Tex. Aug. 20, 2001). The **Federal Circuit** also had the opportunity to review a ...  
... Court's claim construction). The **Federal Circuit** agreed with the District Court's ...  
... Durling and OddzOn Products."The **Federal Circuit** has held that design patents have ...  
... Minka Lighting, Inc. v. Craftmade Int'l, Inc., **2002** U.S. Dist. LEXIS 10760, No. 00-0888, **2002** WL 1331883, at \*2 ( ...  
... Tex. June 14, **2002**)(citing Elmer, 67 F.3d at 1577 ...  
... considered ornamental or functional, the **Federal Circuit** has stated that "when there are several ways to ...  
... L.A. Gear, Inc. v. Thom McAn Shoe Co., 988 F.2d 1117, 1123 (Fed. Cir. 1993). For example, the **Federal Circuit** recently decided whether a ...  
... See *id.* at 1313. The **Federal Circuit** determined that the rear features were ...  
... for design protection because "many different configurations of those features ( ...  
... Contessa Food Prods., 282 F.3d 1370, 1378 (Fed. Cir. **2002**)(citation omitted). Where a ...  
... purpose could be accomplished in **many** other ways") (internal ...  
... Hosley Int'l Trading Corp. v. K Mart Corp., 237 F. Supp. 2d 907, 911 (N.D. Ill. **2002**)(citing Braun, 975 F.2d at 821 ...  
... Court of Delaware had the opportunity to **decide** a design patent ...  
... See Minka Lighting, **2002** U.S. Dist. LEXIS 10760, **2002** WL 1331883, at \*5- ...  
... light fixture. See **2002** U.S. Dist. LEXIS 10760 ...  
... substantially similar. See **2002** U.S. Dist. LEXIS 10760 ...  
... patent's fan blades. **2002** U.S. Dist. LEXIS 10760, **2002** WL 1331883, at \*4. ...  
... Master Lock's packaging, the **Federal Circuit** has stated that "the 'ordinary observer' ...  
... 621 patent. n7 However, the **Federal Circuit** has made clear that "it is the non- ...  
... test); Minka Lighting, **2002** U.S. Dist. LEXIS 10760, **2002** WL 1331883, at \*6 ( ...  
... Dana Corp. v. Am. Axle & Mfg., Inc., 279 F.3d 1372, 1375 (Fed. Cir. **2002**) (citing 25 U.S.C. § 282 ...

A 4. Aventis CropScience N.V. v. Pioneer Hi-Bred Int'l, Inc., 1:00CV00463 , UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA , 269 F. Supp. 2d 644; 2003 U.S. Dist. LEXIS 10781, June 20, 2003, Decided, June 20, 2003, Filed; June 20, 2003, Entered on Docket, Request denied by Aventis Cropscience, N.V. v. Pioneer Hi-Bred Int'l, Inc., 294 F. Supp. 2d 739, 2003 U.S. Dist. LEXIS 21727 (M.D.N.C., 2003)

**OVERVIEW:** Doctrine of collateral estoppel precluded patent infringement allegation relating to genetic transformation vectors that allowed the expression of an insecticidal endotoxin in corn hybrids because claims had been found invalid in a prior action.

**CORE TERMS:** patent, corn, inequitable conduct, litigate, fair opportunity, collateral estoppel, patents-in-suit, summary judgment, invalidity, discovery ...

Aventis Cropscience N.V. v. Pioneer Hi-Bred Int'l, Inc., **2002** U.S. Dist. LEXIS 24361 (M.D.N.C., Dec. 12, **2002**)Monsanto Co. v. Bayer Bioscience, N.V., 264 F. Supp. 2d 852, **2002** U.S. Dist. LEXIS 26306 (E.D. Mo., **2002**)  
... case on December 27, **2002**. Ultimately, as discussed in ...  
... a review in the **Federal Circuit Court of Appeals** of all of the Monsanto court's orders and ...  
... Specifically, the December 13, **2002** Memorandum and Order held that the '799 ...  
... issued the December 17, **2002** Memorandum and Order, which held that the '565 ...  
... Ultimately, on December 27, **2002**, the Monsanto court held that the '799 ...  
... n2 On June 11, **2002**, Aventis CropScience N.V. was ...  
... N.V. on July 9, **2002**. Nevertheless, this Court will ...  
... Order on December 13, **2002**, in which it held that the Connecticut ...  
... Mo. Dec. 13, **2002**).n6 A cotyledon is ...  
... Mo. Dec. 13, **2002**). Accordingly, the Monsanto court ...  
... in its December 13, **2002** Memorandum and Order that they were invalid ...  
... 35 U.S.C. § 112. According to the **Federal Circuit**, to be enabling, the patent specification ...  
... Mo. Dec. 13, **2002**). Based on clear and convincing ...  
... PatentAs to the December 17, **2002** Memorandum and Order granting ...  
... Mo. Dec. 17, **2002**). However, the parties disputed the construction of the ...  
... Finally, on December 27, **2002**, the Monsanto court issued ...  
... Monsanto v. Bayer Bioscience, N.V., 264 F. Supp. 2d 852, **2002** U.S. Dist. LEXIS 26306, No. 4:00CV01915 ERW, slip op. at 12 (E.D. Mo. Dec. 27, **2002**).  
its analysis, the court ...  
... disclose this information to the PTO. **2002** U.S. Dist. LEXIS 26306, at 9 ...  
... prosecuting patent applications. **2002** U.S. Dist. LEXIS 26306, at 10 ...  
... false declaration was material. **2002** U.S. Dist. LEXIS 26306, at 10-11 ...  
... deceive the PTO. Id. **2002** U.S. Dist. LEXIS 26306, at 10-11 ...  
... in-suit. Id. **2002** U.S. Dist. LEXIS 26306, at 10-11 ...  
... Monsanto v. Bayer Bioscience, N.V., **2002** U.S. Dist. LEXIS 26306, No. 4:00CV01915 ERW, slip op. at 14 (E.D. Mo. Dec. 27, **2002**). Accordingly, once the court ...  
... deceive the PTO. Id. **2002** U.S. Dist. LEXIS 26306, at 15 ...  
... Abbot Labs. v. TorPharm, Inc., 300 F.3d 1367, 1379 (Fed. Cir. **2002**). Thus, the more material the conduct is, the ...  
... Monsanto v. Bayer Bioscience, N.V., **2002** U.S. Dist. LEXIS 26306, No. 4:00CV01915 ERW, slip op. at 15 (E.D. Mo. Dec. 27, **2002**). The court found the "inference of ...  
... investigate the facts." Id. **2002** U.S. Dist. LEXIS 26306, at 16 ...  
... pending claims." Id. **2002** U.S. Dist. LEXIS 26306, at 16-17 ...  
... false declaration. Id. **2002** U.S. Dist. LEXIS 26306, at 16. ...  
... reasonable examiner. Id. **2002** U.S. Dist. LEXIS 26306, at 17 ...  
... '799 patents. Id. **2002** U.S. Dist. LEXIS 26306, at 17-18 ...  
... remain for this Court to **decide** because all of the patents-in-suit have been ...  
... 1) on December 27, **2002**, that the patents-in-suit are ...  
... 2) on December 17, **2002**, that the asserted claims of the '546 ...  
... ; (3) on December 17, **2002**, that the asserted claims of the '799 ...  
... 4) on December 13, **2002**, that the asserted claims of the '565 ...  
... remain for this Court to **decide** because all of the patents-in-suit have been ...  
... law of collateral estoppel to **decide** this motion because patent infringement ...  
... within the exclusive jurisdiction of the **Federal Circuit Court of Appeals** and hence is subject to its law. *Pharmacia & Upjohn Co. v. Mylan Pharm., Inc.*, 170